

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America

v.

Martin S. Gottsfeld

Defendant, pro se

Case No.: 16-cr-10305

FILED
Clerk's Office
USDC, Mass.
Date JAN 07 2019
By Deputy Clerk

MOTION TO VACATE

Defendant Martin S. Gottsfeld (herein "Defendant"), acting pro se over his continuing objection, hereby moves The Honorable District Court to vacate its previously-issued prior restraints, including but not limited to the order issued as part of D.E. 129 (prohibiting the defendant from contacting the government), D.E. 210 (ordering non-party non-witnesses from contacting unnamed other non-party non-witnesses) and to clarify which prior restraints, if any, remain in effect.

The majority of these prior restraints, including the two explicitly cited supra, were enacted with no meaningful opportunity to bring objections beforehand. This violated Due Process and was unconstitutional.

The order found in the Docket text of D.E. 129 trespasses on the defendant's 1st Amendment rights to free speech, to petition the government for the redress of grievances, and as a journalist to gather and report the news (please see Exhibit A attached hereto).

The order found in D.E. 210 and its predecessors are similarly unconstitutional. But in addition to violations of the 1st Amendment inherent to D.E. 129, it is simply outside The Honorable Court's jurisdiction to control which non-party non-witnesses can contact which non-party non-witnesses outside the courtroom. And from a Due Process perspective, the list of parties not to contact is unconstitutionally vague and provides insufficient notice of who is to be off-limits.

For all of these reasons, these orders must be vacated and the defendant so moves.

Respectfully mailed on January 4th, 2019 ,



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CERTIFICATE OF SERVICE

I, Martin S. Gottsfeld, pro se, hereby certify
that on January 4th, 2019 the foregoing document(s)
will be mailed to Assistant U.S.
Attorney David D'Adda



Martin S. Gottsfeld
Pro Se